

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Demolish extensions and subdivide dwelling to create 2 dwellings with associated works, change of use of domestic workshop and associated land to storage (Use Class 22) and erect gate.

LOCATION: Permanance, Les Abreuveurs Road, St. Sampson.

APPLICANT: Mr I & Mr S Pearce

I refer to the application referred to below received as valid on 29/08/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 10/10/2025

Drawing Nos: MAT Ltd: 25-386-06, 07, 08, 09, 10, 11

Application Ref: FULL/2025/1265

Property Ref: B014380000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The application has not demonstrated that the outbuilding is no longer required or capable of being used for its current or last known purpose, as a domestic outbuilding associated with the existing dwelling on the site. The scheme is therefore contrary to Policy OC3 d. and Policy GP16(A) a. of the Island Development Plan.

OTHER REMARKS:-

Right of appeal against planning decisions

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, against a decision to refuse an application for planning permission or outline planning

permission to the Planning Tribunal on the merits. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision.

Copy of representations made

In reaching this decision the Development & Planning Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2025/1265
Property Ref: B014380000
Valid date: 29/08/2025
Location: Permanance Les Abreuveurs Road St. Sampson Guernsey GY2 4UH
Proposal: Demolish extensions and subdivide dwelling to create 2 dwellings with associated works, change of use of domestic workshop and associated land to storage (Use Class 22) and erect gate.
Applicant: Mr I & Mr S Pearce

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The application has not demonstrated that the outbuilding is no longer required or capable of being used for its current or last known purpose, as a domestic outbuilding associated with the existing dwelling on the site. The scheme is therefore contrary to Policy OC3 d. and Policy GP16(A) a. of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Permanance is a semi-detached property situated to the east of Les Abreuveurs Road. The property has a painted exterior and PVCu sliding sash windows to the front façade. Flat roof dormers are installed to the front roofslope and a catslide dormer built off the wallplate exists to the rear. A single-storey pitched roof extension is situated to the north of the main house with various flat roof extensions and a conservatory projecting east. A pitched roof extension and conservatory are situated along the south boundary with the adjoining flats. Vehicular access is situated adjacent to the north site boundary and serves the house, business and detached pitched roof workshop/outbuilding which is situated in the northeast corner of the site.

Residential properties are found to the north and south of the site with open land and glasshouses situated to the west of the road.

The site is located Outside of the Centres as designated in the Island Development Plan. The property is a pre-1900 building.

Relevant History:

PAPP/2002/1876 - Demolish outbuilding, erect pitched roof over flat roofed wing and alter premises to provide three residential units - granted

PAPP/2003/1545 - Vary works previously approved to demolish outbuilding, erect pitched roof over flat roofed wing and alter premises to provide three residential units – granted

FULL/2019/1466 - Remove existing storage containers and shed and erect replacement garage/workshop to east (rear) of property – granted

- The submission confirmed that the building would be used for domestic storage (boat, vehicles, motorhome)
- Informative note - For the avoidance of doubt, this decision permits the proposed garage/workshop to be used only for purposes incidental to the enjoyment of the dwelling house currently known as Permanance. Any use in connection with a trade or business would require a separate grant of planning permission.

Existing Use(s):

01 dwellinghouse
Retail (Crab Cabin)

Brief Description of Development:

The application proposes the demolition of the single-storey flat roof extension situated to the rear of the property which currently houses the Crab Cabin and other small extension and to subdivide the existing dwelling to create two units of residential accommodation. As proposed the main house would comprise a lounge, office, kitchen, utility space, WC and dining/day room and one bedroom on the ground floor, two en-suite bedrooms and separate bathroom at first floor, and two further bedrooms would be situated in the roofspace.

The second unit, known as the Wing, has accommodation on a single level, with two bedrooms, a lounge/diner, bathroom, kitchen, conservatory and utility room proposed.

A new 1.8m high fence and gate is proposed to separate the wing from the shared driveway and to enclose the garden areas of both the main house and Wing.

The drawings show two parking spaces per dwelling to be situated to the east of the properties along with a shed in the garden of each dwelling to serve as secure and covered cycle parking.

With regard to the detached workshop building the application shows this to be separated off from the residential use of the site to provide storage for the current owner of the site (e.g. boat/motorhome). This does not represent domestic storage and so the scheme relates to a material change of use of the building (and its associated land) from a domestic outbuilding (Use Class 1) to general storage (Use Class 22).

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

Island Development Plan policies

OC1: Housing Outside of the Centres

OC3: Offices, Industry and Storage and Distribution Outside of the Centres

OC4: Retail Outside of the Centres

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

Three letters of representation have been received and raise the following points (summarised):

- The Crab Cabin is unauthorised and its demolition is a positive element of the application
- No objection to the subdivision which will provide a modest but welcome increase to local housing provision
- The land around the outbuilding is not garden – it's bare earth and weeds, there is no justification for this building to have a garden and concerns it will become an area for more external storage for industrial type items
- Unclear why they need a change of use?
- Do not support the re-designation of the Permanance Workshop and its surrounding land
- The outbuilding is currently being marketed as ideal for various industrial and commercial applications.
- Since it was constructed it's always been considered as "only a matter of time" before it was sought to be used for commercial rather than domestic purposes
- Given the noise emanating from the workshop over the years it seems likely it's used in an on/off commercial capacity and not for the purpose for which it was granted permission
- Although sound proofed the windows/doors allow noise to escape, and noisy activities are undertaken outside
- If permission is granted for the proposed use (Use Class 22) it will quickly result in an increase in noise and disturbance either from an escalation in the owner's activities or through another party (rent/sold)
- The workshop is not in an isolated position but sits in amongst the back gardens of residential properties.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the subdivision of the house to create two dwellings, the amenities of occupiers and neighbours of the development and the principle of creating a new storage and distribution use on the site.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Detached storage use

A matter highlighted through the public consultation process is whether the proposal represents a change of use. The building currently has approval to be used as a domestic storage building however through the current scheme would be severed from both the proposed residential units on the site. It would therefore no longer be an ancillary domestic outbuilding serving the dwelling, Permanance.

Furthermore, the proposed use (motorhome and boat storage) would have been considered an incidental and ancillary domestic use for the owner/occupier of Permanance however in a non-domestic setting this would not represent domestic storage.

Policy OC3 sets out that new storage and distribution uses will only be supported where either the site is in a Key Industrial Expansion Area, which this is not, or where there is a justifiable need for the business/to be situated outside any of the Main or Local Centres. The application has not been accompanied by information to specifically address this policy but outlines that the property owner wishes to retain the storage facility once the main house/wing are sold to retain the vehicle/boat storage that they currently benefit from as the owners/occupiers of Permanance. In this context the storage of vehicles/boats is not a domestic use and can be accommodated elsewhere in existing storage facilities/setting therefore, as submitted the scheme does not comply with criterion b. of Policy OC3 of the IDP.

Policy OC3 also requires such development to be accommodated either on a brownfield or redundant glasshouse site, which this is not, or achieved through the conversion of a redundant building. The building is a sizable domestic outbuilding that could reasonably serve either of the dwellings proposed through this application and remains in active use for storage of vehicles/equipment, therefore it would not be deemed as redundant and so fails to comply with both Policy OC3 d. and GP16(A) a. of the Island Development Plan.

Implications of *The Island Development Committee v Portholme* [2002]

In The Island Development Committee v Portholme [2002], the Court of Appeal held that “... if a plan allows for development only in certain identified circumstances, by necessary inference, development out with those circumstances is not to be allowed.”

Section 12(1) of The Land Planning and Development (General Provisions) Ordinance, 2007, is also clear that where the Authority has regard to any relevant Plan in determining an application for planning permission for development which would involve a departure from such a Plan then it must refuse the application (unless the applicant has requested that the application be considered as a minor departure), and it need not take into account any other matter to which it is required to have regard under the Law.

Consideration has been given to the matter of a minor departure request in this case. A minor departure can only be accepted where it relates to a very small element of the overall scheme and in all other respects the proposals must accord with the relevant planning policies. Where a proposal entirely conflicts with a policy in the Plan it cannot be considered a minor departure. As specified elsewhere in this report, the scheme would not accord with the key criteria of Policy OC3 and GP16(A) and therefore a minor departure cannot be accepted in this case.

For the reasons given above and the identified conflict with OC3 and GP16(A), the only lawful decision that can be reached is that planning permission be refused.

Other matters

Loss of retail

There is no record of permission having been sought or granted for a retail use to operate from the site however, this has been operational for a significant period and would now be immune from enforcement action. The Island Development Plan supports the change of use away from retail where the proposal accords with all other relevant policies in the Island Development Plan and so in this regard the scheme accords with Policy OC4.

Subdivision to create two dwellings

Policy OC1 makes provision for the creation of new dwellings where it is achieved through the subdivision of an existing dwelling and so this offers a gateway for the proposed subdivision of Permanance.

Given the surrounding uses and variety of properties that exist the proposed subdivision and formation of two units of residential accommodation would be compatible with the character and amenities of the surrounding area. The layout of the ground floor accommodation and proposed boundary fencing is such that the privacy and amenities of the occupiers would be protected. The existing rear dormer in the main house has a large window that would overlook the roof of the extension to the rear of the Wing

which should preserve the privacy and amenities of future occupiers using the external amenity space associated with the Wing.

Overall, the scheme offers a reasonable level of aspect/outlook for future occupiers with good internal space provision and access to external open space.

Given the mixed use nature of the site at present the division of the house into two, plus the omission of the retail element from the site, will not result in the unacceptable intensification in the use of the access nor will the proposals result in an unacceptable increase in traffic on the local road network. The dwellings are each shown to be served by a shed which can be utilised for secure and covered cycle storage. The scheme therefore complies with Policies IP6, IP7 and IP9 of the IDP.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant; however, having regard to the Guernsey Court of Appeal judgement in *The Island Development Committee v Portholme* [2002] (Civil 320) these have been given limited further consideration in this case.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 10/10/2025

